619 420-4204 or 619 253-1806

FILED

08 FEB -8 AM 10:44

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY DEPUTY

MOTION FOR CONTINUANCE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CARMEN POWELL

Plaintiff

V.

CITY OF CHULA VISTA; CHULA VISTA POLICE DEPARTMENT; DET. RUTH HINZMAN; AGT. ANDERSON; AGT. OYOS; SGT. CERCANTES; AND PERSON ENTITIES UNKNOWN; COUNTY OF SAN DIEGO AND SAN DIEGO PROTECTIVE SERVICES JULIE SMITH, NADIA NAJORS, MEGAN PETFINGER, REBECCA AND PERSONS AND ENTITIES UNKNOWN, CHILDREN HOSPITAL; DIANA CHASE, NURSE AND DEBORAH DAVIES, LCSW,

Defendants,

Case No. 07 CV 1836 JAH (JMA)

Honorable John A. Houston
Courtroom 11

Motion For Continuance

Now comes Carmen Powell, and moves this Honorable Court for a continuance of the hearing currently scheduled for March 3, 2008 in Dept. 11 at 2:30pm.

The reason for this request is: I am in Superior Court, Juvenile Division Dept 1 on March 3, 2008 on a dependancy matter and it is clear that I can not be in two courts at the same time. Due to the conflict of the scheduled dependancy matter court dates, I want to preserve my standing with this court. For the first time an order for discovery was made in this dependancy matter on February 4, 2008 to be received by February 8, 2008 from the inception of this case from August 17, 2006, county council also mentioned that additional dates may be needed.

There was an 827 motion before the Juvenile Court in this matter and County Council was granted an 827 motion to disclose the Juvenile records in this case regarding my children, however they are selective in regarding the information to be disclosed, the trial in not finished and there

agency immediately filed another petition with the same allegations. County Council's attempt to hood wink this court, by being selective with the information that I have never had the opportunity to see or to receive through discovery and this trial is not over, and I have every intentions to submit supporting case law and argument as to why this case based on the true facts, case law and the merits of this case should move forward.

I respectfully request a 45 day continuance in this matter and to preserve my right to be heard.

Respectfully submitted,

Carmen Powell

372 Bay Leaf Dr.
Chula Vista, Calif. 91910

619 420-4204

CERTIFICATE OF SERVICE

A copy of the foregoing has been sent via regular, U.S. Mail, postage prepaid to:

John J. Sansone, County Council, this 8, day of February, 2008
Ricky R. Sanchez, Sr. Deputy
1600 Pacific Highway, Rm 355
San Diego, Calif. 92101
Attorneys for Julie Smith, SW

Lewis Brisbois Bisgaard & Smith
550 West "C" Street, Suite 800
San Diego, Calif 92101
Attorneys for Defendants Rady Children's Hospital San Diego, and Diana Chase, NP

Neil, Dymott,Frank,McFall & Trexler
1010 Second Avenue, Suite 2500
San Diego, Calif 92101
Attorneys for Morteza Mirkarimi, M.D.